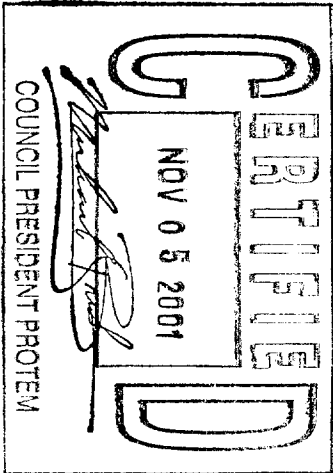


01-*R*-1764

Entered - 10-08-01- sb
CL 01L0634 - ALEXIS HOLMES

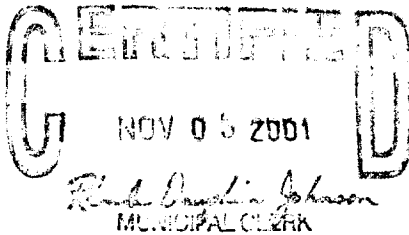
CLAIM OF: **THE HONORABLE STANLEY F. BIRCH, JR.**
United States Circuit Judge
United States Court of Appeals
56 Forsyth Street NW
Atlanta, Georgia 30303



For potentially hazardous conditions that exist on October 1, 2001 at
545 Mount Paran Road.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell* by *Robert N. Coley DCA*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



CERTIFIED NOV 05 2001

ADVERSE REPORT
Robert N. Coley
10/30/01
Clifford Anderson
Adrian King
Danny Albrit



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

November 13, 2001

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

The Honorable Stanley F. Birch, Jr.
United States Circuit Judge
United States Court of Appeals
56 Forsyth Street, NW
Atlanta, GA 30303

01-R-1764

Dear The Hon. S. F. Birch, Jr.:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 05, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0634

Date: 10/16/01

Claimant /Victim THE HONORABLE STANLEY F. BIRCH, JR., UNITED STATES CIRCUIT JUDGE
BY: (Atty) _____
Address: United States Court of Appeals 56 Forsyth Street, NW Atlanta, Georgia 30808
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ _____
Date of Notice: 10/8/01 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence Unspecified Place: 545 Mount Paran Road
Department: _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant "Noticed" the City of a potentially hazardous condition after he observed water accumulating and covering part of the roadway. Furthermore, the claimant states that he does not want to file a formal claim, and he requested that this claim be withdrawn. The claimant's "Notice" was forwarded to the responsible parties.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other X Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

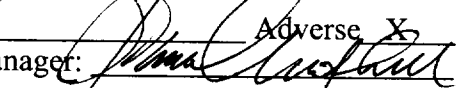
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 10-17-01 Committee Action: _____ Council Action _____

RCS# 3222
11/05/01
3:31 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 15

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Wooldard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1591
01-O-1696
01-O-1698
01-O-1712
01-R-1595
01-R-1786
01-R-1793

CONSENT

11/05/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-1703
2. 01-O-1671
3. 01-O-1664
4. 01-R-1667
5. 01-R-1729
6. 01-R-1745
7. 01-R-1777
8. 00-R-0820
9. 01-R-1682
10. 01-R-1782
11. 01-R-1706
12. 01-R-1708
13. 01-R-1709
14. 01-R-1730
15. 01-R-1746
16. 01-R-1791
17. 01-R-1748
18. 01-R-1749
19. 01-R-1750
20. 01-R-1751
21. 01-R-1752
22. 01-R-1753
23. 01-R-1754
24. 01-R-1755
25. 01-R-1756

**ITEMS ADVERSED ON
CONSENT AGENDA**

26. 01-R-1757
27. 01-R-1758
28. 01-R-1759
29. 01-R-1760
30. 01-R-1761
31. 01-R-1762
32. 01-R-1763
33. 01-R-1764
34. 01-R-1765
35. 01-R-1766
36. 01-R-1767
37. 01-R-1768
38. 01-R-1769
39. 01-R-1770
40. 01-R-1771
41. 01-R-1772
42. 01-R-1773
43. 01-R-1774
44. 01-R-1775
45. 01-R-1776